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Attorneys for Defendant TRUMP RUFFIN
7 TOWER I, LLC erroneously sued herein as
TRUMP RUFFIN COMMERCIAL LLC

8 UNITED STATES DISTRICT COURT

9 CLARK COUNTY, NEVADA

10
11 KATHY CARTER; RICHARD CARTER,
12 Plaintiffs,

13 vs.

14 TRUMP RUFFIN COMMERCIAL LLC;
15 MICHAEL SABZEROU; DOES I through
16 X, and ROE CORPORATIONS I through
XX, inclusive,

17 Defendants.

CASE NO.
Dept. No.:

NOTICE OF REMOVAL OF ACTION
(DIVERSITY)

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19
20 COMES NOW, Defendant TRUMP RUFFIN TOWER I, LLC erroneously sued
21 herein as TRUMP RUFFIN COMMERCIAL LLC ("hereinafter referred to as "Defendant"
22 or "TRUMP"), by and through its attorneys of record, Josh Cole Aicklen, Esq., and David
23 B. Avakian, Esq., of LEWIS BRISBOIS BISGAARD & SMITH LLP, and hereby removes to
24 this Federal Court the State Court action described below, and in support states as
25 follows:

26 1. On August 22, 2012, an action was commenced in the Eighth Judicial
27 District Court, Clark County, Nevada, entitled KATHY CARTER; RICHARD CARTER v.
28 TRUMP RUFFIN COMMERCIAL LLC, et al., Case No. A-12-667255-C. (A copy of the

1 Complaint in this state court action is attached hereto as **Exhibit "A."**)

2 2. The Summons and Complaint were served on TRUMP by personal service
3 at Defendant's business address on September 5, 2012.

4 3. This notice is filed timely pursuant to 28 U.S.C. section 1446(b). Thirty days
5 have not elapsed since the case became removable.

6 4. This action is a civil action of which this Court has original jurisdiction under
7 28 U.S.C. section 1332, as there is complete diversity between the parties and I am
8 informed and believe that more than \$75,000.00 is in controversy, exclusive of interest
9 and costs. Plaintiffs' counsel has previously demanded \$100,000.00 to settle the instant
10 matter. Accordingly, pursuant to 28 U.S.C. section 1441, TRUMP is entitled to remove
11 this action to Federal court.

12 5. This case arises out of a negligence claim, and I am informed and believe
13 that Plaintiffs seek to recover in excess of \$75,000.00, exclusive of interest and costs.

14 6. Plaintiffs are, and during all relevant times were, residents of the State of
15 Virginia. Defendant TRUMP is, and was at the time this action was commenced, a
16 corporation organized and existing under the laws of the State of Delaware, with its
17 principal place of business in the state of Delaware. Mr. SABZEROU is, and was at the
18 time this action was commenced, a resident of the state of California. Accordingly, there
19 is now, and there was at the time of the commencement of this action, complete diversity
20 between Plaintiffs and Defendants.

21 7. The action in the state court was not commenced more than one year
22 before the date of this removal.

23 8. A true and correct copy of this Notice of Removal will be filed with the Clerk
24 for the Eighth Judicial District Court, Clark County, Nevada.

25 9. There are no other known Defendants who did not join in the removal of this
26 action.

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1 Based on the foregoing, TRUMP removes this action, which is currently pending in
2 the Eighth Judicial District Court, Clark County, Nevada as Case No. A-12-667255-C to
3 Federal Court.

4 DATED this 25th day of September, 2012

5 Respectfully submitted,

6 LEWIS BRISBOIS BISGAARD & SMITH LLP
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8

9 By /s/ David B. Avakian

10 JOSH COLE AICKLEN

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14 Attorneys for Defendant TRUMP RUFFIN

TOWER I, LLC erroneously sued herein as

15 TRUMP RUFFIN COMMERCIAL LLC
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP, and that on this 25th day of September, 2012, I did cause a true copy of NOTICE OF REMOVAL OF ACTION (DIVERSITY) to be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing System.

By /s/ Johana Whitbeck
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP